

Exhibit G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAN BURGESS, and all 1,703)
individuals identified in the)
Burgess FTCA Administrative)
Complaint,)
Plaintiffs,) Hon. Linda V.
-vs-) Parker
Mag. R. Steven Whalen
Case No. 17-11218
UNITED STATES OF AMERICA,)
Defendant.)

DEPOSITION OF JENNIFER KURTZ CROOKS, produced,
sworn, and examined by the PLAINTIFFS, November 16, 2017,
between the hours of 9:06 a.m. in the morning and 12:46
p.m. in the afternoon on that day at 300 West Adams Street,
Suite 800, Chicago, Illinois, before Barbara J. Cramer, a
Certified Shorthand Reporter, Registered Professional
Reporter, Certified Realtime Reporter, and Notary Public.

1 APPEARANCES:

2

Pitt McGehee Palmer & Rivers, PC
 3 BY: Cary S. McGehee, Esquire
 117 West Fourth Street, Suite 200
 4 Royal Oak, Michigan 48067
 Appearing on behalf of the Plaintiffs;

5

6 Law Offices of Deborah A. LaBelle
 BY: Deborah A. LaBelle, Esquire
 7 221 North Main Street, Suite 300
 Ann Arbor, Michigan 48104
 8 Appearing on behalf of the Plaintiffs;

9

U.S. Department of Justice
 10 BY: Bethany J. Henneman, Esquire
 1331 Pennsylvania Avenue, NW,
 11 Washington, D.C. 20004
 Appearing on behalf of the Defendant;

12

13 U.S. Department of Justice, Civil Division
 BY: Michael L. Williams, Esquire
 14 1331 Pennsylvania Avenue, NW
 Washington, D.C. 20004
 15 Appearing on behalf of the Defendant.

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I N D E X O F E X A M I N A T I O N S

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19 WITNESS PAGE

20 JENNIFER KURTZ CROOKS

21 EXAMINATION MS. McGEHEE 4
 22 EXAMINATION BY MR. WILLIAMS 128

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09:30:50AM 1 it comes to me.

09:30:52AM 2 Q. Okay. Let's talk about that. And I -- I'd like to
09:30:55AM 3 understand in greater detail what that responsibility --
09:30:57AM 4 what that responsibility entails. So, for example, give me
09:31:02AM 5 an instance when you would be responsible for responding to
09:31:06AM 6 a citizen.

09:31:07AM 7 A. I can give you an example of a citizen that I just
09:31:18AM 8 noticed right here, Jan Burgess --

09:31:18AM 9 Q. Um-hmm.

09:31:22AM 10 A. -- that I responded to. That was in the fall of
09:31:30AM 11 2014 --

09:31:30AM 12 Q. Okay.

09:31:33AM 13 A. -- I believe.

09:31:33AM 14 Q. And I don't want to interrupt you.

09:31:38AM 15 A. Oh, you just want to know the general process.

09:31:41AM 16 Q. How would you --

09:31:42AM 17 A. This is a very --

09:31:42AM 18 Q. Hold on. Sorry. I'm going to rephrase the
09:31:44AM 19 question a little bit so we can get back on the right
09:31:47AM 20 track. Because I am just asking generally --

09:31:47AM 21 A. Okay.

09:31:50AM 22 Q. -- what your responsibilities are and how -- for
09:31:52AM 23 example, specifically as Michigan program manager, how do
09:31:55AM 24 you get engaged --

09:31:55AM 25 A. Okay.

09:31:57AM 1 Q. -- in relation to a citizen and having to
09:31:59AM 2 communicate with them.

09:32:00AM 3 A. Yes.

09:32:00AM 4 Q. How does that get initiated?

09:32:03AM 5 A. So I receive an email or a phone call from --
09:32:09AM 6 either forwarded by my supervisor or by our hotline, and I
09:32:22AM 7 read through it. And, depending on what is being asked,
09:32:30AM 8 sometimes there are some technical questions that a -- I
09:32:34AM 9 need to check on with a technical contact, like who works
09:32:42AM 10 with regulations.

09:32:45AM 11 Sometimes it's questions about violations, and
09:32:47AM 12 I look that up on a -- one of our, you know, websites
09:32:54AM 13 that's on the internet for data on violations and
09:32:58AM 14 enforcement.

09:33:01AM 15 I -- sometimes it's about specific issues
09:33:11AM 16 regarding how the -- the citizen perceives that the -- the
09:33:17AM 17 public water supply is serving water, and in those cases,
09:33:23AM 18 that level of detail is not something that EPA gets into.
09:33:29AM 19 That's not -- because Michigan has primacy for the drinking
09:33:37AM 20 water program, and they are the ones that are the front
09:33:40AM 21 line onsite, working with the public water supplies.

09:33:45AM 22 Therefore, I would call the engineers or the
09:33:48AM 23 person responsible at the DEQ for their commentary on
09:33:56AM 24 what's going on. Many times they'll go out and take a
09:34:04AM 25 sample, or they'll do an inspection or -- then I will --

09:34:09AM 1 if -- if there's something in the complaint that I'm unsure
09:34:13AM 2 of, I will contact the citizen via phone or email if I
09:34:20AM 3 don't understand something. And then I continue with my
09:34:23AM 4 research.

09:34:26AM 5 And then I, almost all of the time, follow up
09:34:30AM 6 with an email to the citizen if -- as long as they've given
09:34:39AM 7 me an email address. And I cc my supervisor, so he knows
09:34:43AM 8 that I have responded to this request -- request.

09:34:48AM 9 Q. Is there anything else you do?

09:34:50AM 10 A. Well, in general, that's what I do. I mean,
09:34:58AM 11 different questions sometimes have different -- if they're
09:35:04AM 12 asking me about wastewater discharges, I obviously can't
09:35:08AM 13 respond to that, because I don't work in that program. So
09:35:12AM 14 I find them a contact --

09:35:12AM 15 Q. Um-hmm.

09:35:13AM 16 A. -- in the wastewater program, and I give them those
09:35:16AM 17 phone numbers.

09:35:17AM 18 Q. Okay.

09:35:18AM 19 A. So I'm kind of a resource in addition to being a
09:35:21AM 20 technical --

09:35:23AM 21 Q. Would it be accurate --

09:35:24AM 22 A. -- person.

09:35:25AM 23 Q. -- to say, that in response to citizens' concerns
09:35:29AM 24 that you receive, that you're required to do a thorough
09:35:32AM 25 investigation of the issue?

11:20:15AM 1 BY MS. McGEHEE:

11:20:16AM 2 Q. You've had an opportunity to review Exhibit 42?

11:20:18AM 3 A. Yes.

11:20:18AM 4 Q. This was a complaint that was made by Jan Burgess

11:20:23AM 5 in 2014 --

11:20:23AM 6 A. Yes.

11:20:25AM 7 Q. -- regarding the Flint River water. Correct?

11:20:27AM 8 A. Yes.

11:20:27AM 9 Q. And this is a complaint that you received.

11:20:30AM 10 A. Yes.

11:20:30AM 11 Q. In fact, Tom Poy forwarded it to you on October 15,

11:20:35AM 12 2014. Is that correct?

11:20:36AM 13 A. Yes.

11:20:36AM 14 Q. And asked you to reply to it?

11:20:38AM 15 A. Yes.

11:20:38AM 16 Q. He said -- and this is on page 2. In his email to

11:20:43AM 17 you, "Jen, Can you use the same reply for the control to

11:20:47AM 18 reply to this similar complaint about Flint water?"

11:20:51AM 19 What is he referring to there?

11:20:52AM 20 A. Well, as I mentioned before, a lot of times, with

11:20:58AM 21 the number of complaints that we were getting, it was the

11:21:02AM 22 same question. It was the same concern. Our water smells,

11:21:09AM 23 our water -- it tastes bad.

11:21:15AM 24 And so he was saying, you know, rather than

11:21:19AM 25 reinvent the wheel, is this -- is this a similar complaint

11:21:23AM 1 to the last, you know, control that we did, congressional
11:21:30AM 2 or a citizen letter.

11:21:32AM 3 Q. And so did you just give her the boilerplate
11:21:36AM 4 response?

11:21:36AM 5 A. Oh, no. Did you see that response?

11:21:39AM 6 Q. Well, I'm just asking.

11:21:41AM 7 A. No.

11:21:41AM 8 Q. So when you got this complaint, first of all, you
11:21:44AM 9 were provided with her -- her physical address. Correct?

11:21:47AM 10 A. Yes, I guess, if that's what's here.

11:21:53AM 11 Q. Page 3, 720 Commonwealth Avenue, Flint, Michigan.

11:21:59AM 12 A. Yes.

11:21:59AM 13 Q. And you were provided with her email address as
11:22:02AM 14 well.

11:22:02AM 15 A. Um-hmm.

11:22:02AM 16 Q. Correct? That's a yes?

11:22:04AM 17 A. Yes.

11:22:04AM 18 Q. All right. So when you received this complaint,
11:22:07AM 19 what did you do in response to it?

11:22:08AM 20 A. Well, I read the article and -- that she sent, and
11:22:17AM 21 I immediately went to Andrea Porter, who is our -- one of
11:22:27AM 22 our lead treatment experts. And, you know, we talked
11:22:39AM 23 about, you know, the fact that General Motors was having
11:22:43AM 24 this issue, and chlorides -- I -- I thought she was
11:22:53AM 25 confusing -- Andrea and I both thought she was confusing

11:22:58AM 1 chlorine with chlorides and the over-chlorination of the
11:23:05AM 2 water causing corrosion.

11:23:09AM 3 And so I -- I also -- so I guess Mike
11:23:38AM 4 Prysby -- I had contacted the State, I guess, and asked
11:23:41AM 5 them about this also and got this information from Steve
11:23:44AM 6 Busch. And I put together a response with some
11:23:49AM 7 explanations, some web links to the internet on the science
11:23:56AM 8 and -- and I think I included some other phone numbers for
11:24:02AM 9 her to con- -- call and try to explain it. And I said, If
11:24:08AM 10 you -- you know, if you have further questions, please
11:24:11AM 11 contact me.

11:24:13AM 12 Q. Okay. So you made a phone call to her?

11:24:17AM 13 A. I -- I don't know if I actually called her or not.

11:24:20AM 14 Q. Okay. You emailed her?

11:24:22AM 15 A. Yeah, I sent her my final response.

11:24:25AM 16 Q. Okay.

11:24:26AM 17 A. Yeah.

11:24:26AM 18 Q. And in the original complaint that Ms. Burgess
11:24:32AM 19 made, which is on page 3 of Exhibit 42 -- and you can look
11:24:35AM 20 at it to make sure I'm reading this correctly -- she
11:24:41AM 21 reports, "Just this morning our local papers reports that
11:24:45AM 22 General Motors engine plant has shut off Flint River water
11:24:51AM 23 to the plant due to the over-chlorination and the fears
11:24:55AM 24 that the water will cause corrosion."

11:24:57AM 25 She tells you that. Correct?

C E R T I F I C A T I O N

I, Barbara J. Cramer, Certified Shorthand Reporter and Notary Public within and for the State of Illinois, DO HEREBY CERTIFY that pursuant to notice/agreement between the parties, the aforementioned witness came before me at the time and place hereinbefore mentioned, and having been duly sworn to tell the whole truth of her knowledge touching upon the matter in controversy aforesaid; that she was examined on the day, and her examination was taken in shorthand and later reduced to printing; that signature by the witness is not waived; and said deposition is herewith forwarded to the taking attorney for filing with the Court.

Barbara J. Cramer
Certified Shorthand Reporter
CSR License No. 084-001700
Notary Public, State of Illinois